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1 Lucio Celli  
89 Widmer Road  
2 Wappingers Falls, New York 12590  
718-547-9675

3 UNITED STATES COURT FOR THE  
4 SOUTHERN DISTRICT OF NEW YORK

5 LUCIO CELLI,  
6 Plaintiff,

Case No.: 21-cv-10455  
**Order to Show Cause/temporary  
Restraining Order**

7 vs.  
8

9 New York Department of Education, et al.,  
10 Defendants.

11  
12 Upon the affidavit(s) of Lucio Celli, sworn to on the December\_\_\_\_, 2021, and upon the  
13 copy of the complaint hereto attached it is ORDERED, that before this Court, that the  
14 above named defendant(s) show before this court, at Room\_\_\_\_, United States  
15 Courthouse,\_\_\_\_, <sup>1</sup>on\_\_\_\_, 2021/2022 at  
16 \_\_\_\_\_ O'clock, or as soon thereafter as counsel and/or I may be heard, why an order  
17  
18 should be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure  
19  
20  
21  
22  
23

24 <sup>1</sup> Either at 500 Pearl St, New York, NY 10007 or 40 Foley Square, New York, NY 10007 or 300 Quarropas Street  
25 White Plains, NY 10601-4150

26  
27  
28 TO SHOW CAUSE/TEMPORARY RETRAINING ORDER- 1 out 7pages

1 at o'clock in the noon thereof, or as soon thereafter as counsel may be heard, why an  
 2 order should be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure:  
 3

4 **Request:** I want the DoE to not hold a probable cause hearing until this court grants or  
 5 denies the injunction for ordering witnesses to appear at my 3020-a and probable cause is  
 6 part of 3020-a process. As I would need the US Marshalls, Judge Cogan, Judge Brodie,  
 7 AUSA Brady, Magistrate Scanlon, Federal Defenders (Ms. Olvera, Ms. Gerlant, and Ms.  
 8 von Dormum) and Judge Katzman <sup>2</sup> and it is further ORDERED at a copy of this order,  
 9 together with the papers upon which it is granted, be personally served upon the  
 10 defendant(s) or his (their) attorney on or before \_\_\_\_\_, 2021 or  
 11  
 12 2022, \_\_\_\_\_ (time) and that such service be deemed good and sufficient.  
 13

14 Place: \_\_\_\_\_, New York  
 15

16 (Date) \_\_\_\_\_, 202\_\_\_\_  
 17

18 (Return Date) \_\_\_\_\_, 202\_\_\_\_  
 19  
 20  
 21  
 22

23 Chief Judge Swain  
 24 United States District Judge  
 25  
 26  
 27 \_\_\_\_\_

28 <sup>2</sup> He cannot appear RIP even if the court grants my petition  
 TO SHOW CAUSE/TEMPORARY RETRAINING ORDER- 2

UNITED STATES COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

LUCIO CELLI,

Plaintiff,

vs.

New York Department of Education, et al.,  
Defendants.

Case No.: 21-cv-10455

**Show Cause for Preliminary Injunction and  
Temporarily Order**

Lucio Celli being duly sworn, deposes and says (or: makes the following  
affirmation under the penalties of perjury):

I, Lucio Celli, am plaintiff in the above-entitled action, and respectfully move this Court  
to issue an order enjoining defendants New York City et al. from/to

**Request:** I want the DoE to not hold a probable cause hearing until this court grants or  
denies the injunction for ordering witnesses to appear at my 3020-a and probable cause,  
as the probable cause is part of 3020-a process. As I would need the US Marshalls, Judge  
Cogan, Judge Brodie, AUSA Brady, Magistrate Scanlon, Federal Defenders (Ms. Olvera,  
Ms. Gerlant, and Ms. von Dormum) and Judge Katzman<sup>3</sup> until a final disposition on the  
merits of the above-entitled action is completed. Also, I want the proceeding to be  
streamed live. I would need Judge Engelmayer and Mr. Silverman to appear because they  
denied me my intent and a fair trial. I would like my probable cause hearing to be live

<sup>3</sup> He cannot appear RIP even if the court grants my petition  
TO SHOW CAUSE/TEMPORARY RETRAINING ORDER- 3

streamed to show how I was denied a fair trial because I have AUSAs saying that EDNY denied me that constitutional right.

I am proceeding by order to show cause rather than by notice of motion because due to terms of probation, I must have my lawyer review the papers, so the issue is timing.

I have made the following attempts to contact my opponents<sup>4</sup> and informed them that I am seeking a temporary restraining order: mail, certified return receipt, and I have a pending/had grievance conference on January 3, 2022.

Unless the preliminary injunction and temporary restraining order are issued I will suffer immediate and irreparable injury as shown by the following facts: 1) obtain witnesses in my own defense, as I was denied a probable hearing in federal court, 2) the 3020-a process follow the process of the criminal proceedings (if charges are based on criminal conviction or charges, and Officer Greene has my iPad that I have the NYS law where it says, from the highest court, the 3020-a process must follow said procedures of the criminal court); 3) besides being without pay, I will be without health benefits and I am HIV positive with other medical issues too; 4) therefore, the harm is more to me than the defendants because I will be without witnesses and without health benefits for 4 months; and 5) I will most likely win the injunction because I was denied a fair trial in court and I have audio recordings of Judge Engelmayer intimidating me, like "you will not receive justice here" with the fact that Mr. Silverman told me that he did not do his job because of Judge Cogan—over a series of audio recordings.

(6) --Lastly, I was illegally detained, and the DOE conspired with the Judge Cogan, as they knew BEFORE US Marshalls of my arrest<sup>5</sup> and denied me retro money because of what happened at the probable cause hearing, but NYC Administrative Law forces the DOE to pay—as I have the Labor Relation for the City saying so, Mr. Becker, and Mr. Slinger of Strook

As can be seen from the foregoing, I have no adequate remedy at law and entitled to a temporary restraining order and a preliminary injunction.

WHWREFORE, I respectfully request that the Court issue the temporary restraining order and preliminary injunction described above, as well as such other and further relief as may be just and proper.



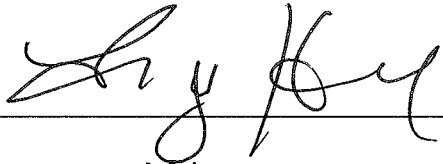
Lucio Celli

<sup>4</sup> Sen. Schumer and Ms. Kopplin have no say in holding the probable cause hearing

<sup>5</sup> As mentioned in the complaint, my health benefits were terminated 5 days prior to the US Marshalls filing an arrest warrant AND the DOE wrote that they terminated my health benefits because I was arrested  
TO SHOW CAUSE/TEMPORARY RETRAINING ORDER- 4

Sworn to before me this

30<sup>th</sup> day of December 2021.

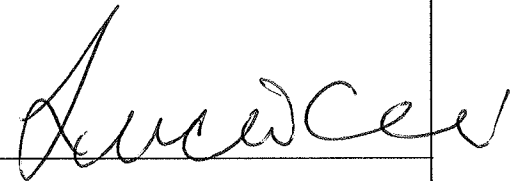
  
\_\_\_\_\_  
Notary Public

LEOPOLDO J HERNANDEZ  
Notary Public - State of New York  
No. 01HE6379226  
Qualified in Orange County  
My Commission Expires Aug 13, 2022

Or

I declare under the penalty of perjury that the foregoing  
is true and correct and made pursuant to 28 USC § 1746

Executed on <sup>kc</sup> ~~12/29/2021~~  
12/30/2021

  
\_\_\_\_\_

Lucio Celli

## Facts:

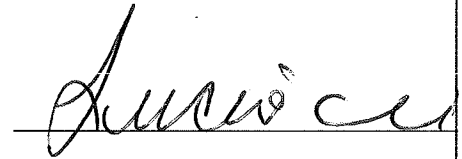
1. I informed the NYCDOE's panel that I would appear in front of them and tell the world about what they did to me and what they did to a child to spite me by ignoring my audio recordings of an AP smoking weed with a child and getting him a motel room New Rochelle
2. On or around 11/28/2017, I appeared in front of NYCDOE's PEP panel to speak about they (DOE) with the UFT wanted to expose my rape—**Please Take Notice**, this is public record, as are the emails sent to PEP
3. I told them shame works both ways prior to appearing at the hearing—well, I used a different phrase, but I will keep it clean for Your Honor.
4. I was told by an older African American man that the PEP knew the reason that why I behaved the way that I do, which was the comment to expose my rape. The gentleman used the word "intent" and told me to go home as he guided me out of the auditorium.

a. ~~18 USC §875~~ has two elements

- i. **Actus reus**: sending the communication
- ii. **Mens rea**: the intent
- iii. The DOE is conflating NYS's law of sending a threatening communication with the Federal law, as NYS's law only requires the prosecution to "PROVE" whether the communication was sent or not because NO intent is needed to be proven in NYS, but I was not in state court, as I was in federal court.
- iv. DOE legal likes to work outside the law, like tell schools to write IEP based on budget vs. the needs of the child—which could be intervention by the DOJ or criminal, but they would need a closer look at the documents with the audio recording and this is the reason that I need the AUSA present, and my hearing streamed live
- v. The highest court in NYS states that the law that the person is charged with is what the district must litigate
- b. The DOE knows my intent
- c. My intent appears under seal and the DOE received a copy prior to me filing this cause of action
- d. The probable cause would be brought in bad faith, like denying me retro money because the DOE will ignore the law and legal standard
- e. Judge Engelmayer, Judge Donnelly, my lawyers, and the AUSAs took my free will away and dictated what my intent was going to be and I need wrote a due process violation (under seal, but the DOE has it) because, even the AUSAs outside the 2d. Cir., understood how could anyone tell me my intent and it was a crime to deprive me of one
- f. The PEP will validate what my intent was and still is because I was told on or around 11/28/17, another reason for streaming it live, and to show how I did not

- 1 receive a fair trial by Sen. Schumer judges because they helped his sister-like Randi  
2 Weingarten (public video of the senator saying this)
- 3 5. The PEP panel muted the portion of what I had to say about the AP because they messed  
4 up and cover up their blatant misconduct.
- 5 6. The arbitrator will be biased because he or she wants to keep their job, please refer to the  
6 complaint
- 7 7. The PEP panel represent the mayor and each borough president
- 8 8. Randi Weingarten, Carmen Farina, and the panel sent NYPD to threaten me with  
9 physical force and denial of my HIV medication, as this was to shut me up
- 10 9. A probable cause hearing would be brought in bad faith because the DOE knows of my  
11 intent and conspired with Judge Cogan to deprive me of my retro money via UFT's  
12 General Counsel Ms. Norton
- 13 a. The city has investigated this type of conduct with union via their conflict-of-interest  
14 board—I have seen similar cases but not exact one.
- 15 10. The vehicle infraction does not warrant a probable cause hearing, but let's assume that it  
16 did
- 17 a. The DOE does not have my test result, as I told Ms. Ramos
- 18 b. The DOE does not have my audio recording of the cop, as I told Ms. Ramos
- 19 c. In this case, the DOE does not have the facts and I need to present them
- 20 d. I even told Ms. Ramos, audio recorded, that these facts will be dealt with at the  
21 3020-a hearing

22 I swear the above facts are true under the penalty of perjury and this is being made  
23 pursuant to 28 USC § 1746 because most of it is part of public record, if not all.

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Lucio Celli

12/29/2021







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FROM:

Lucio Celli  
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 NY, 10007

TO:

SDNY Courthouse  
 Pro Se Office  
 500 Pearl St  
 NY, NY 10007

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